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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,956	01/15/2001	Christopher L. Knauff	MEDIDNA.043A	4816
7590	08/24/2004		EXAMINER	
MacPherson Kwok Chen & Heid LLP			TRAN, TONGOC	
1762 Technology Dr.				
Suite 226			ART UNIT	PAPER NUMBER
San Jose, CA 95110			2134	

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/760,956	KNAUFT, CHRISTOPHER L.
<b>Examiner</b>	<b>Art Unit</b>	
Tongoc Tran	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 15 January 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-45 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-45 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. \_\_\_\_\_  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5)  Notice of Informal Patent Application (PTO-152)  
Paper No(s)/Mail Date \_\_\_\_\_ 6)  Other: \_\_\_\_\_

## **DETAILED ACTION**

1. This office action is in response to applicant's application serial no. 09/760956 filed on 1/15/2001.

### ***Claim Objections***

2. Claim 18 is objected to because of the following informalities:  
The Acronym "MAC" should be spelled out. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-17 and 19-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Sims, III (U.S. Patent No. 6,550,011).

In respect to claim 1, Sims discloses a user data processor for providing access to a rights controlled data object, the user data processor comprising:

- a processing device (col. 11, lines 5-15);
- a communication; device connected to the processing device and configured to receive an encrypted secure package containing a portion of the rights controlled data object (see col. 1, lines 13-29);
- a user program running on the processing device, the user program configured to control access to the rights controlled data object; a user program security module configured to at least partially decrypt the secure package using a user program key (see col. 9, lines 60-67); and
- a machine key device connected to and associated with the processing device and accessible by the user program, the machine key device configured to restrict the use of the data object to the user data processor using a machine key (see col. 15, lines 18-34).

In respect to claim 2, Sims discloses the user data processor of Claim 1, wherein the user program is configured to communicate with the machine key device to authenticate the identity of the processing device using the machine key (see col. 15, lines 18-34).

In respect to claim 3, Sims discloses the user data processor of Claim 2, wherein the processing device is configured to provide rights controlled access to digital video (see col. 2, lines 1-3).

In respect to claim 4, Sims discloses the user data processor of Claim 1,

wherein the encrypted secure package is encrypted with at least the user program key and the machine key, and wherein the machine key device is configured to at least partially decrypt the secure package using the machine key (see col. 12, lines 13-21).

In respect to claim 5, Sims discloses the user data processor of Claim 4, wherein the user program is configured to communicate with the machine key device to authenticate the identity of the processing device using the machine key (see col. 5, lines 18-38).

In respect to claim 6, Sims discloses the user data processor of Claim 5, wherein the machine key is an asymmetric machine key pair comprising a public machine key and a private machine key (see col. 12, lines 13-21).

In respect to claim 7, Sims discloses the user data processor of Claim 6, wherein the machine key device is configured to generate the asymmetric machine key pair (see col. 14, line 58-col. 15, line 3).

In respect to claim 8, Sims discloses the user data processor of Claim 1, further comprising a user key device associated with a user, the user key device detachably connected to the processing device, accessible by the user program, and configured to restrict the use of the data object to the user using a user key (see col. 9, lines 60-67 and col. 11, lines 5-15).

In respect to claim 9, Sims discloses the user data processor of Claim 8, wherein the user program is configured to communicate with the machine key device to authenticate the identity of the processing device using the machine key, and

wherein the user program is configured to communicate with the user key device to authenticate the identity of the user using the user key (see col. 12, lines 13-21).

In respect to claim 10, Sims discloses the user data processor of Claim 8, wherein the encrypted secure package is encrypted with at least the user program key, the machine key, and the user key, wherein the machine key device is configured to at least partially decrypt the secure package using the machine key, and wherein the user key device is configured to at least partially decrypt the secure package using the user key (see col. 12, lines 13-21).

In respect to claim 11, Sims discloses the user data processor of Claim 10, wherein the user program is configured to communicate with the machine key device to authenticate the identity of the processing device using the machine key, and wherein the user program is configured to communicate with the user key device to authenticate the identity of the user using the user key (see col. 12, lines 13-21).

In respect to claim 12, Sims discloses the user data processor of Claim 8, further comprising:

a second security module configured to at least partially decrypt the secure package using a second key; and a third security module configured to at least partially decrypt the secure package using a third key (see col. 12, lines 13-21 and col. 20, lines 31-43).

In respect to claim 13, Sims discloses the user data processor of Claim 12, wherein the second security module is configured to communicate with

the user key device to authenticate the identity of the processing device using the user key, and wherein the third security module is configured to communicate with the machine key device to authenticate the identity of the processing device using the machine key (see col. 12, lines 13-21 and col. 20, lines 31-43).

In respect to claim 14, Sims discloses the user data processor of Claim 12, wherein the second key is a portion of the user key, wherein the second security module is configured to obtain the second key from the user key device, wherein the third key is a portion of the machine key, and wherein the third security module is configured to obtain the third key from the machine key device (see col. 20, lines 31-43).

In respect to claim 15, Sims discloses the user data processor of Claim 14, wherein the second security module and the third security module are parts of the user program (see col. 20, lines 31-43).

In respect to claim 16, Sims discloses the user data processor of Claim 1, further comprising a third security module configured to at least partially decrypt the secure package using a third key (see col. 12, lines 13-21).

In respect to claim 17, Sims discloses the user data processor of Claim 16, wherein the third security module is configured to communicate with the machine key device to authenticate the identity of the processing device using the machine key (see 12, lines 13-21).

In respect to claim 19, Sims discloses the user data processor of Claim 16, wherein the third key is a portion of the machine key, and wherein the third security

module is configured to obtain the third key from the machine key device (see col. 12, lines 13-21 and col. 20, lines 31-43).

In respect to claim 20, Sims discloses the user data processor of Claim 1, wherein the third security module is a part of the user program (see col. 20, lines 31-43).

In respect to claim 21, Sims discloses the user data processor of Claim 1, wherein the user program is implemented in hardware (see col. 4, line 63-col. 5, line 10).

In respect to claim 22, Sims discloses the user data processor of Claim 1, wherein the user program security module is part of the user program (see col. 4, line 63-col. 5, line 10).

In respect to claim 23, Sims discloses the user data processor of Claim 1, wherein the processing device is a general purpose computer (see col. 3, lines 30-46).

In respect to claim 24, Sims discloses the user data processor of Claim 1, wherein the processing device and the machine key device are contained in a single integrated circuit (see col. 12, lines 42-57).

In respect to claim 27, Sims discloses the method of claim 26, further comprising:  
(H) digitally signing the control elements such that the control elements can be authenticated; and (I) transmitting the digital signature of the controlled elements to the user data processor (see col. 5, lines 39-59).

In respect to claims 25-26 and 28-45, the claim limitations are similar to claims 1-24 and 27. Therefore, claims 25-26 and 28-45 are rejected based on the similar rationale.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sims (U.S. Patent No. 6,550,011) in view of Keeler, Jr. et al. (U.S. Patent No. 6,502,130, hereinafter Keeler).

In respect to claim 18, Sims discloses the user data processor of Claim 17. Sims does not disclose the MAC address of the user data processor is a key (see Keeler, col. 4, lines 30-48). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement Sims' teaching of machine key with Keeler's teaching of using MAC address of the network system as a key so that it can conveniently identify the source if unauthorized content is identified.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Peinado et al. Disclose rendering digital content in an encrypted rights-protected form.

-Peinado et al. Disclose a digital right management system operating on computing device and having block box tied to computing device.

-Saito discloses a data copyright management method.

-Saito discloses a data management system.

-Saito discloses an apparatus for data copyright management system.

Yatsukawa discloses an authentication system using authentication information valid one-time.

-Huded discloses a platform and method for creating and using a digital container.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tongoc Tran whose telephone number is (703) 305-7690. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory A. Morse can be reached on (703) 308-4789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner: Tongoc Tran  
Art Unit: 2134

TT  
m

August 20, 2004

  
GREGORY MORSE  
CHIEF ADVISORY PATENT EXAMINER  
TELECOMMUNICATIONS CENTER 2100